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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,030	09/18/2003	Gary T. Cunkelman	00-1-220DIV	9132
7590 05/03/2005				
OSRAM SYLVANIA Inc. 100 Endicott Street Danvers, MA 01923			EXAMINER COLON, GERMAN	
			ART UNIT 2879	PAPER NUMBER

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/667,030	Applicant(s) CUNKELMAN ET AL.	
	Examiner German Colón	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8, 10-12 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8, 10-12 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Amendment, filed on February 7, 2005, has been entered and acknowledged by the Examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8, 11, 19, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (US 3,602,759) in view of Sica (US 5,536,998).

Regarding claim 8, Evans discloses a method for attaching a base member to an end of a fluorescent lamp glass envelope, the method comprising the steps of:

providing an annular end portion on an external wall portion of the glass envelope (see Fig. 1);

pressing a base shell member **18** of a cup-shape configuration onto the end portion of the envelope;

applying a collar of shrink wrap material **22 (a,b,c)** to the envelope end portion and the base shell member (see Figs. 1, 5 and 6); and

shrinking the collar to compress against the envelope end portion and the base shell member (see Col. 3, lines 6-11, and Col. 5, lines 65-71). Evans is silent regarding the limitation of "said collar having an adhesive on an interior surface".

However, in the same field of endeavor, Sica discloses a method for attaching a base member to an end of a fluorescent lamp, comprising the step of applying a collar of shrink wrap material to said base member and said lamp, wherein said collar has an adhesive on an interior surface with the purpose of providing additional mechanical retention over and above that provided by shrinking the collar while also providing a moisture barrier and hermetic seal (see Col. 4, lines 47-51). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an adhesive on an interior surface of the collar disclosed by Evans, in order to provide additional mechanical retention over and above that provided by shrinking the collar while also providing a moisture barrier and hermetic seal. Evans-Sica discloses the adhesive contacting the envelope end portion.

Regarding claim 11, Evans-Sica discloses shrinking the collar comprises applying heat to the collar to heat shrink the collar (see '759, Col. 3, line 12, and Col. 6, lines 1-3).

Regarding claim 19, Evan-Sica discloses a method for attaching a base member to an end of a fluorescent lamp glass envelope, the method comprising the steps of:

providing an annular end portion on an external wall portion of the glass envelope (see Fig. 1);

pressing a base shell member **18** of a cup-shape configuration onto the end portion of the envelope;

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applying a collar of shrink wrap material **22 (a,b,c)** to the envelope end portion and the base shell member (see Figs. 1, 5 and 6); the wrap material having a layer of adhesive on an interior surface thereof to contact the envelope end portion and fix the base shell member on the envelope end portion (see '759 in view of Col. 4, lines 47-51 of '998). Same reasons for combining stated in claim 8 apply.

Referring to claim 21, Evans-Sica discloses the collar being of a shrink wrap material and the method further comprising the step of shrinking the collar onto the envelope end portion and the base shell member (see '759, Col. 3, lines 6-11, and Col. 5, lines 65-71).

Referring to claim 23, Evans-Sica discloses shrinking the collar comprises applying heat to the collar to heat shrink the collar (see '759, Col. 3, line 12, and Col. 6, lines 1-3).

4. Claims 10, 12, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans-Sica as applied to claims 8 and 19 above, and further in view of Schaeffer et al. (US 4,276,102).

Referring to claim 10, Evans-Sica discloses the claimed invention except for the limitation of "the adhesive being a curable adhesive, the method including a step of curing the adhesive".

However, Schaeffer discloses the desirability of using a heat-curable adhesive with a heat-shrinkable wrap material in order to, with a simple heating process, melt the adhesive, cure it and shrink the heat-shrinkable wrap, while increasing the surface area in contact with the adhesive (see Col. 1, lines 34-44, and Col. 4, lines 1-7). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a heat-curable adhesive as

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the adhesive of Evans-Sica, with the purpose of simplifying manufacture by melting the adhesive, curing it and shrinking the heat-shrinkable wrap on a single heating process. Further, it has been held to be within the general skills of an artisan to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Referring to claim 12, Evans-Sica-Schaeffer discloses the adhesive being cured by the application of heat and the collar being shrunk by the application of heat.

In regards to claims 20 and 22, claims 20 and 22 are rejected over the reasons stated in the rejection of claims 10 and 12, respectively.

Response to Arguments

5. Applicant's arguments filed February 7, 2005 have been fully considered but they are not persuasive.

i. Applicant argues that the shrink-wrap collar disclosed by Sica is used to secure a protection tube to a lamp base and not to fix a base shell member to the glass envelope.

However, it should be noted that the method of securing a base shell member to a glass envelope was clearly disclosed by Evans. The Examiner did not rely upon Sica for the teachings of this feature, but only for the teachings of providing an adhesive layer on an interior surface of the shrink-wrap collar. According to Sica, said adhesive layer on an interior surface of the collar provides additional mechanical retention over and above that provided by shrinking the collar while also provides a moisture barrier and hermetic seal. Thus, one having ordinary skills in the art at the time the invention was made would entertain the idea of including an adhesive on an interior surface of the shrink-wrap collar of Evans.

ii. Applicant argues that Sica teaches away from providing a layer of adhesive material between the glass envelope and the shrink-wrap collar, since the reference teaches the layer of adhesive being provided between the collar and a protection tube. Thus, the Examiner arrived to his position through improper hindsight analysis.

The Examiner notes that Sica teaches *a way* of carrying out the invention and not *away*, as Applicant alleges. The embodiment of Sica does not include an adhesive disposed between the collar and the glass envelope because said collar is attached to a protection tube. It should be pointed out that the collar does include an adhesive contacting the protection tube which, at the same time, comprises an adhesive contacting the glass envelope. Thus, the collar is attached to the glass envelope through the protecting tube. Accordingly, based only on this embodiment, it is not found persuasive that the reference is teaching away.

Further, as stated above, the Examiner relied upon Sica for the teachings of providing an adhesive material on an interior surface of the shrink-wrap collar. The Examiner is not incorporating the protection tube or any other structure disclosed by Sica to the Evans reference. The advantages of providing an adhesive on an interior surface of the collar are clearly disclosed and by no means represent an improper hindsight analysis.

iii. Applicant argues that there is no teaching or suggestion to use an adhesive which coats transposed cable strands of Schaeffer with the fluorescent lamp of Evans and the adhesive of Sica.

The Examiner notes that Evans-Sica discloses a method of attaching a base member to an end of a fluorescent glass envelope, wherein the method comprises the step of applying a collar

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of heat-shrinkable wrap material with an adhesive on an interior surface thereof. Evans-Sica is silent regarding the limitation of the adhesive being a curable adhesive.

Schaeffer discloses the desirability of using a heat-curable adhesive with a heat-shrinkable wrap material in order to, with a simple heating process, melt the adhesive, cure it and shrink the heat-shrinkable wrap, while increasing the surface area in contact with the adhesive.

Applicant's remark that Schaeffer is not related to a lamp and accordingly, is an unrelated art, is not found persuasive. The claims are related to a *process*, i.e. the steps followed during manufacture. The Examiner did not rely upon Schaeffer for the teachings of a lamp base, but for the teachings of a preferred adhesive in the *process* of heat-shrinking a collar. Accordingly, one of ordinary skill in the art would entertain the idea of using a heat-curable adhesive as the adhesive of the heat-shrinkable collar of Evans-Sica, since Schaeffer discloses the suitability and advantages of said adhesive in the *process* of heat-shrinking a collar.

For the reasons stated above the rejection of the claims is deemed proper.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

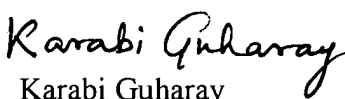
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to German Colón whose telephone number is 571-272-2451. The examiner can normally be reached on Monday thru Thursday, from 8:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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